

REMARKS/ARGUMENTS

A. In the Specification

1. No paragraphs have been amended in the specification to clarify previously disclosed matter and/or correct language, reference labeling, figure description, and/or syntax. No new matter has been added.

B. In the Claims

1. Previously filed claims 1 - 32 have been cancelled. New claims 33- 56 have been added to correct language, syntax, avoid the citation of the prior art, and/or point out the specific features of Applicant's invention with greater clarity. Support for new claims 33-56 is found throughout the figures and specification, and more particularly in the detailed descriptions of Fig. 3 and Fig. 4, as well as in paragraphs [0077], [0089], [0091] and [0115] through [0153] of patent application serial number 10/625,138, as originally filed. No new matter has been added.

Regarding the Former Claim Rejections under 35 U.S.C. 103

2. Previously filed claims have been finally rejected under 35 U.S.C. 103 as being unpatentable over Joao (US Pat. No. 6,283,761) in view of Campbell (US Pat. No. 6,047,259), Cummings Jr. (US Pat. No. 6,345,260), Gilbert (US Pat. No. 6,381,576) and Keene (US Pat. No. 5,325,294) among numerous other prior art references in the form of varying articles and papers on the subject of medical practice computerization and automation. Applicant respectfully disagrees with this obviousness rejection in light of the amendments to the claims filed with this RCE, and the accompanying arguments presented in support of the claims at issue herein (see below).

3. As per new independent claim 33 and 45, Applicant firmly believes that none of the prior art references previously cited (alone or in combination) disclose, teach or claim a combination of the Applicant's claimed databases, and the claimed system or method which acts to coordinate each database in order to produce the work product of the system, namely patient

and physician oriented reports and education. Moreover, none of the prior art references even remotely suggest using a database system for creating an editable chart note for a practicing physician in order to aid in rendering services within a clinical practice setting.

Two of the three applicant/inventors here are practicing physicians, the third is an information technology (IT) expert. Applicant's original patent application was filed in May of 2001. Physicians today (in 2006) still hand write or dictate chart notes for transcription. Therefore, there is a long felt need for this type of system and method approach. To say that these features of the present invention are old and well known in the art is, in Applicant's opinion, incorrect. To say that some one of ordinary skill in the art would have found it obvious to combine these databases and generate this type of work product in the form of pre-visit, post-visit, patient education and physician education, in addition to creating an editable chart note, is also, in Applicant's opinion, incorrect.

Additionally, there is literal express support for new claim 33 and 45 throughout the figures and specification, and more particularly in the detailed descriptions of Fig. 3 and Fig. 4, as well as in paragraphs [0077], [0089], [0091] and [0115] through [0153] of patent application serial number 09/854,039, as originally filed.

Claim 33 covers the concept supported in the specification that a networked medical information system can be constructed of numerous specific databases and used to facilitate the activities of a clinical practice, namely, one which facilitates the exchange of medical data between doctor and patient, and enables the generation of an editable physician's preliminary chart note. Therefore, as amended, Applicant now believes that claims 33-44 are in condition for allowance.

Likewise, claim 45 covers the concept supported in the specification that a networked medical information method can be configured by providing numerous specific databases and using them to facilitate the activities of a clinical practice, namely, a method which facilitates the exchange of medical data between doctor and patient, and enables the generation of an editable physician's preliminary chart note. Therefore, as amended, Applicant now believes that claims

45-56 are in condition for allowance.

Claims 34-44 all depend from claim 33, either directly or indirectly as each claim depends directly from claim 34 or a claim that depends from claim 34. Likewise, Claims 46-56 all depend from claim 45, either directly or indirectly as each claim depends directly from claim 45 or a claim that depends from claim 45. In this respect, Applicant strongly believes that all of the claims as submitted herein are in condition for allowance.


CONCLUSION

All of the objections and rejections previously raised by the Examiner have been addressed by Applicant. Attorney for Applicant has carefully reviewed the cited reference, namely the Joao patent, et al., and believes that the new claims presently on file in the present request for continued examination (RCE) are patentably distinguishable with respect to the prior art. In view of the amendments to the disclosure and the remarks submitted herein, Applicant submits that all of the new claims of record are in condition for allowance and respectfully requests that a Notice of Allowance be issued in this case in due course.

If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this application to allowance, the Examiner is invited to contact the undersigned, attorney of record in this case, Richard D. Clarke, Esq., at one of the listed below numbers or at his below listed e-mail address.

Dated: July 13, 2006

Respectfully Submitted,
LAW OFFICE OF RICHARD D. CLARKE

By 
Richard D. Clarke
Patent Attorney for Applicant
USPTO Reg. No. 38,846

Customer No. 22890

Richard D. Clarke
Law Office of Richard D. Clarke
3755 Avocado Blvd., #1000
La Mesa, CA 91941-7301

Telephone: 619-670-1702
Facsimile: 619-670-7585
Email: rclarkeesq@sbcglobal.net